

To: Curry, Ron[Curry.Ron@epa.gov]; Edlund, Carl[Edlund.Carl@epa.gov]; Crossland, Ronnie[Crossland.Ronnie@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]
From: Gray, David
Sent: Sun 8/9/2015 8:43:35 PM
Subject: Senator Heinrich

Senator Heinrich has requested responses to Flynn's email.

From: Curry, Ron
Sent: Sunday, August 09, 2015 1:25 PM
To: Gray, David; Edlund, Carl; Crossland, Ronnie
Subject: Fwd: Update

Sent from my iPhone

Begin forwarded message:

From: "Flynn, Ryan, NMENV" <Ryan.Flynn@state.nm.us>
Date: August 9, 2015 at 1:06:40 PM CDT
To: "Curry.Ron@epa.gov" <Curry.Ron@epa.gov>, "coleman.sam@epa.gov" <coleman.sam@epa.gov>, "hayes.mark@epa.gov" <hayes.mark@epa.gov>
Cc: "Flynn, Ryan, NMENV" <Ryan.Flynn@state.nm.us>, "Kliphuis, Trais, NMENV" <trais.kliphuis@state.nm.us>, "Tongate, Butch, NMENV" <butch.tongate@state.nm.us>, "Majure, Allison, NMENV" <Allison.Majure@state.nm.us>, "Blaine, Tom, OSE" <Tom.Blaine@state.nm.us>, "Hunt, Lela, OSE" <Lela.Hunt@state.nm.us>, "Sandoval, Alexandra J., DGF" <alexandra.sandoval@state.nm.us>, "Witte, Jeff" <jwitte@nmda.nmsu.edu>, "bhoppers@nmsu.edu" <bhoppers@nmsu.edu>, "Mitchell, Jay, DHSEM" <Jay.Mitchell@state.nm.us>, "kcarpenter@sjcounty.net" <kcarpenter@sjcounty.net>
Subject: Update

Ron, Sam and Mark,

Here is an update on where we are right now:

- 1) **Leadership:** EPA region 6 is now on the scene and we have begun engaging with

them. Thank you – we are happy you are here. However, there appears to be a lot of internal communication issues between EPA staff at the regional level. For example, EPA Region 6 staff informed NMED staff during the 9 AM call this morning that they did not have any data and were still waiting for results. However, an hour or so later EPA Region 8 forwarded data to San Juan County, which includes a memo illustrating the data was available on Friday, August 7th. The data we received also suggests EPA Region 8 staff really downplayed the situation at the beginning. EPA needs to put a single person in charge of ALL of their teams – handling this at the regional level is not practical and is resulting in major communication gaps. The release covers multiple jurisdictions (CO, NM, NN), which are all covered by separate regions. There should be one single incident commander leading EPA's efforts. EPA HQ should be actively engaged.

The State of New Mexico wants EPA to assume the lead on this situation as soon as it is in a position to do so. We have mobilized staff from the Environment Department, the State Engineer, the Dep. of Game and Fish, the Department of Agriculture and the Dep. of Homeland Security all jumped on this situation as soon as we were notified of the release. We will continue to use all of our resources to address this as aggressively as possible. However, our resources are limited and our authority is limited to the area within our jurisdiction (NM). Because EPA has access to much greater resources and is not limited by jurisdictional boundaries, we believe EPA should assume the lead of this entire situation. We will remain highly engaged and provide whatever support EPA requires once it has its incident command center operational.

2) **Communication with Public:** We are all committed to communicating with the public. I am concerned about confusing people by having too many different websites and information portals open. For example, the State and San Juan County both have been sending information out. I understand Region 8 also has a website up and running. I don't think we need to take down any information, but I do think we should have EPA, the State of NM, Navajo Nation, CO, and San Juan County all on the same page in terms of communications so that we are distributing as much information as possible to the public in a manner that is consistent, transparent and accessible to all. The State and the County are working together on communications, and we are also both working with the Navajo Nation. However, we need to get everyone on the same page with respect to our communication plans immediately and constantly push information out to the public until this situation is under control. We should also schedule another public meeting within the next 2 days.

Here is a list of contacts for the State for your reference (also copied on this email) – please distribute as you see fit.

Environment Department:

Ryan Flynn, Secretary (ryan.flynn@state.nm.us / 505 660 0815)

Butch Tongate, Deputy Secretary (butch.tongate@state.nm.us / 505 470 6161)

Trais Kliphuis, Water Protection Division Director (trais.kliphuis@state.nm.us / 505 231 8412) (Trais can refer you to the appropriate drinking water (Stephanie Stringer), surface water (Bruce Yurdin) or groundwater bureau (Michelle Hunter) leaders.

Allison Majure, Director of Communications (Allison.Majure@state.nm.us / 505 231 8800) - Directing public communications for the State.

Office of the State Engineer:

Tom Blaine, State Engineer (Tom.Blaine@state.nm.us / 505 231 9202)

Lela Hunt, Communications Director (Lela.Hunt@state.nm.us / 505 383 4092)

Department of Game and Fish:

Alexa Sandoval (alexandra.sandoval@state.nm.us / 505 570 7926) (wildlife issues)

New Mexico Department of Agriculture:

Jeff Witte, Secretary (jwitte@nmda.nmsu.edu / 575 642 6910)

Bonnie Hopkins, NMSU Extension Agent, San Juan County (bhopkins@nmsu.edu / 505 801 1176) (local agriculture and livestock issues).

Department of Homeland Security:

Jay Mitchell, Secretary (Jay.Mitchell@state.nm.us / 505 506 5610)

San Juan County:

Kim Carpenter (kcarpenter@sjcounty.net / 505 330 1421)

3) **Domestic Well Testing:** This is a critical issue. I have a number of staff members hitting the field later today and tomorrow. My staff has begun communicating with EPA Region 6 about coordinating our efforts, which is terrific. I understand EPA Region 6's staff is working to make sure lab analysis will be performed for samples as soon as possible. It seems like we are coordinating this effort nicely right now and the Environment Department sent a draft domestic well testing plan over to EPA staff a few minutes ago. I just want to make sure we finalize our plan today and begin aggressively working on gathering information so we can provide advice to the public about when they will be able to begin using their wells again. We will also need to make sure residents with domestic wells have access to water. San Juan County has water available at their fire stations for immediate relief; however, we are going to need to begin making other plans for residents with wells that are unusable. This is an issue where EPA's resources are critical and will be able to provide a lot of help to the public.

4) **Livestock Watering and Irrigation:** NMSU and the NM Dep. of Agriculture are working with local farmers and ranchers. Currently, they have not reported any issues. However, it rained yesterday, which helped. If it is dry and people are unable to use water for a few days, then we will need to identify resources and options for local farmers and ranchers. The U.S. Department of Agriculture should be providing assistance to the state agriculture leaders to ensure they have all of the necessary resources to address this situation.

5) **Public Water Systems:** NMED staff have been in close contact with all of the public water systems in the area that could potentially be impacted. Currently, they are in good shape for the short term. However, once we gather more data about the extent and nature of the contamination, we will need to make sure they have sufficient water for the long term. If not, then we will need to work with them to identify other sources of water.

6) **Data:** NMED received its first batch of raw data from EPA about an hour ago. We want EPA to continue to share ALL of the raw data it gathers with the state as soon as it is available. According to the Region 8 cover memo, the data was available on Friday, but we did not get it until this morning. This delay is not acceptable. We also believe summary of data EPA put out on Friday was misleading and unhelpful. Any information we put out to the public needs to be 100% accurate, regardless of whether the information is conveying

good news or bad news. We need to be upfront. NMED will be making data available as soon as we gather or receive it on our website, and we would like EPA to do the same.

Again, this is going to take a team effort. While we were frustrated with EPA's slow start and early communications, we want EPA here and we want to work side by side to get this situation under control as soon as possible. All of the state agencies have been working round the clock on this since we were notified and we want to provide as much support to EPA and the local communities as possible. **I think it would be extremely helpful for senior leadership at EPA (to include Region 8, Region 9 and HQ) to get on a phone call with me and other state leaders later today or tomorrow. Please let me know if you can set up a call and get leadership at EPA mobilized as soon as possible. If you pick and time and send us a number, then I will make sure senior leaders of the State are on the phone ready to talk.**

Yours truly,

Ryan Flynn

Secretary of Environment

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